



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 21st June 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0295: Proposed new foodstore (use Class A1) with associated car parking and landscaping (Revised scheme of Planning Permission 09/0096/FULWNN)
582-592 Wellingborough Road, Northampton

WARD: Park

APPLICANT: Aldi Stores Ltd
AGENT: Dalkin Scotton Partnership Architects Ltd

REFERRED BY: Head of Planning
REASON: Major application previously considered by Planning Committee

DEPARTURE: No

APPLICATION FOR DETERMINATION

1. RECOMMENDATION

1.1 **APPROVAL IN PRINCIPLE** subject to the prior completion of a S106 legal agreement and conditions and for the following reason:

The proposal would represent the affective reuse of previously developed land and would not unduly impact upon the amenities of surrounding occupiers. By reason of the scale of the proposal and subject to the suitable use of planning controls, the development would not adversely impact upon the viability and vitality of other established centres. The proposal therefore complies with the requirements of PPS4, PPS23, PPG13, PPG24 and Local Plan Policies E20, E40 and T11.

1.2 The S106 agreement shall secure the following matters:

- i) Payment is made to fund improvements in bus stop provision within Wellingborough Road including the provision of real time update equipment and to fund its ongoing maintenance;
- ii) Payment is made to fund improvements to the town centre environment in order to offset any impacts upon this centre as a result of this development being permitted;
- iii) That the development is only occupied as a 'Limited Assortment Discounter' supermarket and for no other use within

Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

iv) That the net level of retail floor space does not exceed 990m².

v) That an obligation be secured ensuring that the level of retail floor space used for the display and sale of comparison goods does not exceed 15% of the total net retail floor space.

- 1.3 In the event that the S106 legal agreement is not secured within three calendar months of the date of this committee, it is requested that delegated authority be given to the Head of Planning to refuse or finally dispose of the application on account of the necessary mitigation measures not being secured in order to make the proposed development acceptable.

2. THE PROPOSAL

- 2.1 The applicant seeks planning permission to erect a new supermarket with a net retail floorspace of 990m². This is a similar proposal to that made by the same applicant at the same site granted planning permission in February this year (ref. 09/0096/FULWNN) which permitted a net retail floorspace of 1125m². The current proposal also includes the provision of 75 car parking spaces (including six disabled car parking spaces) and four motorcycle parking spaces. Access to the car park would be via a new entrance to be created off of Wellingborough Road.
- 2.2 The proposed store would have a split roof shape, with a maximum height of 8.2m and would be located parallel to Wellingborough Road, albeit set back from the highway by approximately 44.5m. The entrance to the store would be situated on the eastern end of the building. The store's unloading bay would be located to the rear of the building on the southern elevation.
- 2.3 The application specifies that the end user of the development would be a 'limited assortment discounter', which results in comparatively less lines being stocked within the store (approximately 1000). Furthermore, any comparison goods would be stocked as restricted lines, often on a seasonal basis.

3. SITE DESCRIPTION

- 3.1 The application site is situated adjacent to a local centre as identified within the Northampton Local Plan. The centre comprises a public house, hairdresser and small retail outlet. A residential care home is situated on the northern side of Wellingborough Road roughly opposite the site. The wider area is predominantly used for residential accommodation, which is the case of dwellings situated within Wellingborough Road generally dates from the early part of the twentieth century. Although there are variations in terms of the design of these dwellings, they are generally of a high quality design.
- 3.2 The site is approximately 1km from the Weston Favell Centre, which is located to the east of the site and approximately 3km from the Town Centre to the west. Aside from the Weston Favell Centre, there are no

other major supermarkets within the area. The proposal site does not incorporate the entirety of the site former car dealership site, as a further development site is to remain to the east of the proposed store. Although not forming part of this application, the submitted Design and Access Statement advises that opportunities for some form of residential development are being pursued on this adjacent land.

4. PLANNING HISTORY

- 4.1 The site was used as a car dealership and garage for some years, although the site has now been cleared. The West Northamptonshire Development Corporation approved an application for a comparable store in February 2011 (reference 09/0096/FULWNN). Northampton Borough Council's Planning Committee considered this proposal at its meetings in November 2009 and January 2010 as a consultee, when support was expressed for the scheme on the proviso that legal agreements were entered into placing controls on the type of occupier of the store and the level of comparison goods retailing with further controls covering any future subdivision of the store and the manner in which it is operated.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS23 – Planning and Pollution Control
PPG13 – Transport
PPG24 – Planning and Noise

5.3 East Midlands Regional Plan

Policy 2 – Promoting Better Design
Policy 22 - Regional Priorities for Town Centres & Retail Development
Policy MKSM SRS Northamptonshire 3 - Northampton Central Area

5.4 Northampton Borough Local Plan

E20 – New Development
E40 – Planning and crime and anti-social behaviour
T11 – Commercial uses in residential areas
T12 – Development requiring servicing

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards
Planning Out Crime in Northamptonshire

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Highway Authority (NCC)** – The proposed layout is acceptable, subject to some minor amendments, which were incorporated within the original application. If residential accommodation were to be built on the adjacent site, then the access road would need to be constructed to an adoptable standard. Conditions are recommended to ensure that details of the access road construction are agreed and that the works to Wellingborough Road are carried out prior to the commencement of development. A financial payment should be secured to fund bus stop improvements within Wellingborough Road is required. Payments should also be secured to fund the improvement of cycleways in order to promote a move to more sustainable means of travel. Conditions are required covering works to the highway, construction details of roads, wheel washing and a travel plan.
- 6.2 **Environmental Health (NBC)** – Concerns are expressed regarding the positioning of the loading bay as this has the potential to cause disturbance to surrounding properties, particularly as lorries may be stationary for some time and there could be some queuing of vehicles. There would be some impacts from equipment and plant through noise as well as through the use of the car park. Conditions covering deliveries, parking, contamination, lighting and refuse storage are recommended.
- 6.3 **Environment Agency** – Would request that conditions are attached to any approval covering the study of possible contaminants and agreeing a strategy for dealing with any unsuspected contamination.
- 6.4 **Anglian Water** – Recommend a condition requiring that no works take place until a strategy for drainage has been agreed.
- 6.5 **Northamptonshire Police Crime Prevention Design Advisor** – The location of the development makes it susceptible to crime and anti-social behaviour. It is suggested that access to the car park be controlled to reduce the potential for anti-social behaviour. It is recommended conditions detailing security measures and boundary treatments/landscaping be applied.
- 6.8 Letters from the occupiers of **11 Church Way** and **618 Wellingborough Road**. Comments can be summarised as:
- The existing hedge should be retained in order to provide screening
 - The proposed acoustic fence should be extended to provide attenuation against noise, particularly as commercial vehicles would be reversing in close proximity to the boundary. Restrictions should also be in place regarding delivery times
 - Noise could be generated from the positioning of extraction and ventilation equipment
 - Any lighting scheme has the potential to create disturbance and intrusion to surrounding residential properties.
 - The submitted travel assessment cannot be considered to be impartial
 - At the time in which the travel assessments were carried out, the site was vacant and therefore was not attracting any visitors to be included within the modelling

- Increased traffic would detrimentally impact upon highway safety, particularly as there is a primary school and care home nearby.
- There are currently difficulties in turning onto Wellingborough Road in order to travel east. This problem would be exacerbated by the proposed store.
- The likelihood is that the bulk of patrons will travel by private car to the store due to difficulties in travelling by public transport with shopping.
- The impacts of the development of the remainder of the site should also be assessed.
- There is a lack of need for such proposals within the vicinity on account of the facilities within the Weston Favell Centre and any such proposals should be focused upon the town centre.

7. APPRAISAL

Principle of the development

- 7.1 The site is located outside of the existing hierarchy of centres (albeit adjacent to a small local centre). However, national planning policies, such as Policy EC17 of PPS4 – Planning for Sustainable Economic Growth requires that developers carry out an assessment of alternative sites within established centres prior to considering such out of centre locations. The developer has assessed 25 locations within the catchment area of the proposed store, including the Weston Favell Centre. These have been discounted for a variety of reasons, primarily relating to the scale of the proposed store leading to a significant and adverse impact on the flow of traffic and highway safety, have a lack of available sites to accommodate the proposed development or would not be viable. In addition, the fall back position provided by the extant planning permission 09/0096/FULWNN must be given great weight in that if this application be refused, there would remain an extant planning permission for a larger store that could be implemented.
- 7.2 Policy EC16 of PPS4 states that the impact on town centres should also be considered. Whilst it is accepted that there is a need for some provision of convenience retailing outside of the town centre, there are concerns that any proposed store or additional new retail floor space could potentially affect the viability and vitality of the town centre. However, as only 15% of the store (approximately 150m²) would be for comparison goods retailing, it is considered that there would be no significant detrimental impact in this regard. In order, to control this, it is recommended that the accompanying Section 106 Agreement secure these proportions in order to maintain compliance with this policy. In addition, it is recommended that the S106 Agreement specify that only a 'limited assortment discounter' could occupy the proposed store. This would mean that the store would only trade in a manner that is set out within the application, which effectively means that comparison goods would be stocked on a seasonal basis and have a limited range compared to a conventional supermarket retailer.
- 7.3 Whilst the emerging Central Area Action Plan and Joint Core Strategy advocate locating such development within established centres, on

account of the strong fall back position for the site and the fact that the extant scheme would have an arguably larger, albeit not significantly so, impact it is considered that there are insufficient reasons to resist this application; particularly given the mitigation measures as outlined previously.

- 7.4 The proposed store is of a size that could potentially be subdivided into smaller units. This could potentially have a greater impact upon the viability and vitality of the centre which the proposal is adjacent to, as well as other recognised centres in Northampton. Therefore, it is recommended that a condition is imposed preventing subdivision should planning permission be granted
- 7.5 When considering the 09/0096/FULWNN application it was concluded that the Weston Favell District Centre is over-dominant and the proposed development would respond to a local market in a location adjacent to a local centre, which is relatively well served by public transport. It is also considered that the scale and location of the development are acceptable on the basis that the use would serve a local population and offer some scope for linked trips to the local centre.
- 7.6 It is accepted that a very limited number of trips to the proposed store may occur as an alternative to visiting the town centre; however, the applicant has indicated a willingness to enter into a legal agreement, which would see a payment being made in order to fund town centre investment, such as improvements to the public realm, thereby improving the shopping environment within the town centre and promoting its attractiveness to shoppers.

Design

- 7.7 It is considered that the design of the proposed store is acceptable on account of its similarities to that previously deemed acceptable under permission 09/0096/FULWNN. As such it is considered that the proposal complies with the requirements of Policy E20 of the Northampton Local Plan and the aspirations of PPS1 – Delivering Sustainable Development. However, by reason of the prominence of the site, the materials to be used are of significant importance and therefore it is recommended that a condition be attached to any approval requiring that the materials be agreed prior to the commencement of development.
- 7.8 By reason of the positioning and height of the development, it is considered that there would be no undue detrimental impact upon the amenities of the surrounding properties in terms of factors such as light levels, privacy and amenity to the occupiers of surrounding dwellings. As a result of this, it is considered that the proposal is compliant with Local Plan Policy E20 in this regard. It is acknowledged that concerns have been raised regarding the impacts on residential amenity as a result of noise emanating from the various vents located on the southern elevation. However, no objections to the principle have been received from NBC Environmental Health and a condition is recommended requiring that a survey of noise sources is carried out prior to the commencement of development.

- 7.9 It is noted that concerns have been raised regarding the positioning of the loading bay to the rear of the store. Whilst it is recognised that this is in close proximity to the shared boundary with residential properties to the south, it is considered that on account of there being sufficient planning controls to cover the times of day in which deliveries can be made it is unlikely that this would give rise to an unacceptable impact on residential amenity as required by PPG24 – Planning and Noise. In addition, resiting the loading bay onto another elevation would not be satisfactory in design terms on account of this representing an incongruous addition to the streetscene and detrimental to visual amenity.
- 7.10 The submitted plans state that the mature hedge on the southern boundary is to be retained and a condition is recommended securing a landscaping scheme for the remainder of the site. Further conditions are recommended covering the submission of details regarding light levels as the car park is to be illuminated and CCTV provision in order to ensure compliance with Local Plan Policy E20. By reason of the site's former uses, conditions covering contamination are required in order to for the development to adhere to the requirements of PPS23 – Planning and Pollution Control. Although the Environment Agency and Anglian Water have raised no objections to the development, in order to secure a satisfactory standard of development a condition requiring details of the drainage mechanism is proposed.

Highways

- 7.11 It is recognised that the development is likely to generate a significant amount of car bourn trade. However, the application has been accompanied by a transport assessment, which has been assessed by the Highway Authority, which has raised no objections to the report's contents. As such, it is considered that the proposal would not result in any significant adverse impact upon highway safety. In order to maintain the free flow of traffic, various works within the highway are required, such as creating the new access. In order to maintain highway safety as required by PPG13 – Transport, this is to be secured via condition prior to the commencement of development.
- 7.12 As a result of the need to promote sustainable forms of travel, a payment is to be secured via a S106 Agreement to provide additional bus stops on each side of Wellingborough Road. These would include facilities for real time information updates. Funding is also to be secured for the ongoing maintenance of these items.
- 7.13 The Highway Authority has requested that a financial payment be secured to facilitate the provision of cycle ways between Fir Tree Walk and Booth Lane; between Booth Lane and Abington Park Crescent and alterations to traffic lights to facilitate these works. Whilst this requests is noted and a similar contribution was secured by WNDC in the previous application (09/0096/FULWNN), the guidance within Circular 05/2005 – Planning Obligations (as amended) states that such payments should only be made when the following criteria are satisfied:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development

7.14 In the case of the request from the Highway Authority, it is considered that there is an insufficient policy base to support this payment as the policies cited within the request relate to policies that are at a draft stage or general in nature and therefore do not directly relate to the type or scale of development which is proposed. Furthermore, given the nature of the use it is not considered that there would be significant need for cycle access due to the amount of shopping which is likely to be carried by prospective customers. For these reasons, it is considered that there is insufficient planning policy justification to make this a requirement.

7.15 In terms of car parking provision, PPG13 – Transport formally stated that a maximum of one car parking space per each 14m² of floorspace should be provided. The on site provision, exceeds this amount (75 spaces as opposed to the stated 70). PPG13 has now been revised to omit these maximum standard. Given this change to policy and bearing in mind the small difference concerned, it is considered that there are no grounds for objection in this regard. Overall this level of parking it is considered reasonable on account of a lower provision potentially giving rise to parking within the surrounding streets, which could be detrimental to highway safety.

8. **CONCLUSION**

8.1 By reason of the limited scale of the proposed development, it is considered that there would be a minimal impact upon the viability and vitality of other centres within Northampton. Furthermore, the scale of the proposal, combined with the various mitigation measures to be secured via conditions and legal agreement, it is considered that there would be no undue detrimental impact on highway safety and visual and residential amenity. The extant planning permission, 09/0096/FULWNN, also provides a very strong fallback which must be given great weight when assessing the current proposed smaller, albeit slightly smaller, development.

9. **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

3. Unless otherwise agreed in writing by the Local Planning Authority, a sustainability strategy, detailing the method of achievement of BREEAM 'very good' for the development and the provision of on-site renewable energy to meet a minimum of 10% of the development's overall energy needs and mechanisms for post-construction assessment shall be submitted and approved in writing by the Local Planning Authority. Within a period of three months from the date of the development hereby permitted being first brought into use a post construction assessment shall be submitted and approved in writing by the Local Planning Authority to demonstrate compliance with the approved sustainability strategy.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of PPS1 – Delivering Sustainable Development.

4. Prior to the commencement of development, full details of all external lighting, including times of use shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of PPS23 – Planning and Pollution Control

5. Prior to the commencement of development, full details of the CCTV system and secure entry barrier to the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of community safety in accordance with Policy E40 of the Northampton Local Plan.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include the retention of the existing hedge along the southern site boundary and indications of all existing on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

8. The development hereby permitted shall only be open to customers between the hours of 8am and 8pm on Mondays to Saturdays and 10am to 4pm on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenities of the occupiers of surrounding properties in accordance with the requirements of PPG24 – Planning and Noise

9. No deliveries or collections shall be made to or from the development hereby permitted before 7.30am and after 8pm on Mondays to Saturdays and before 10am and after 4pm on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenities of the occupiers of surrounding properties in accordance with the requirements of PPG24 – Planning and Noise

10. Prior to the commencement of development, details of all drainage systems shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with PPS1 – Delivering Sustainable Development.

11. Unless otherwise agreed in writing by the Local Planning Authority, all surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers' guidelines.

Reason: To prevent pollution to the water environment in accordance with PPS23 – Planning and Pollution Control.

12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

vi) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The Site is underlain by the Northampton Sand Formation, which is classified as a Secondary A Aquifer. We agree with the recommendations of the GRM and Scott Wilson Reports that further investigation be undertaken at the site (including the advancement of additional deeper boreholes), to allow an acceptable quantitative risk assessment to controlled waters to be undertaken. Sampling of groundwater should be taken from permanently installed monitoring wells on a minimum of two occasions

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that any unforeseen contamination identified during redevelopment is appropriately dealt with in accordance with the requirements of PPS23 – Planning and Pollution Control.

14. Unless otherwise agreed in writing by the Local Planning Authority, the retail supermarket shall not be divided to form more than one retail unit.

Reason: In the interests of maintaining the viability and vitality of the town and district centres in accordance with the requirements of PPS4 – Planning for Sustainable Economic Growth.

15. No development shall take place until a scheme of work has been submitted and approved in writing by the Local Planning Authority detailing upgrades to Wellingborough Road. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of PPG13 – Transport.

16. Prior to the commencement of development, a scheme detailing the measures to wash the wheels of vehicles associated with construction activity shall be submitted to and approved in writing. The approved scheme shall be provided prior to the start of construction works and retained until such time as the Local Planning Authority agree in writing that they are no longer required.

Reasons: In the interests of highway safety in accordance with the requirements of PPG13 – Transport.

17. Prior to the commencement of development, details of the on site surface treatments of all internal roads, access ways, parking areas

and footpaths including gradients shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety in accordance with the requirements of PPG13 – Transport.

18. Unless otherwise agreed in writing, the vehicle access to the development shall be constructed in accordance with drawing W10A05-P002, Revision D.

Reason: In the interests of highway safety in accordance with the requirements of PPG13 – Transport.

19. Prior to the development hereby permitted being first brought into use, a travel plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The plans shall be implemented at all times that the development is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable means of travel in accordance with PPS1 – Delivering Sustainable Development.

20. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with the advice contained in PPG24 Planning and Noise.

10. BACKGROUND PAPERS

10.1 09/0096/FULWNN
N/2009/0731

Item 12a NBC Planning Committee 17th November 2009

Item 12b NBC Planning Committee 12th January 2010

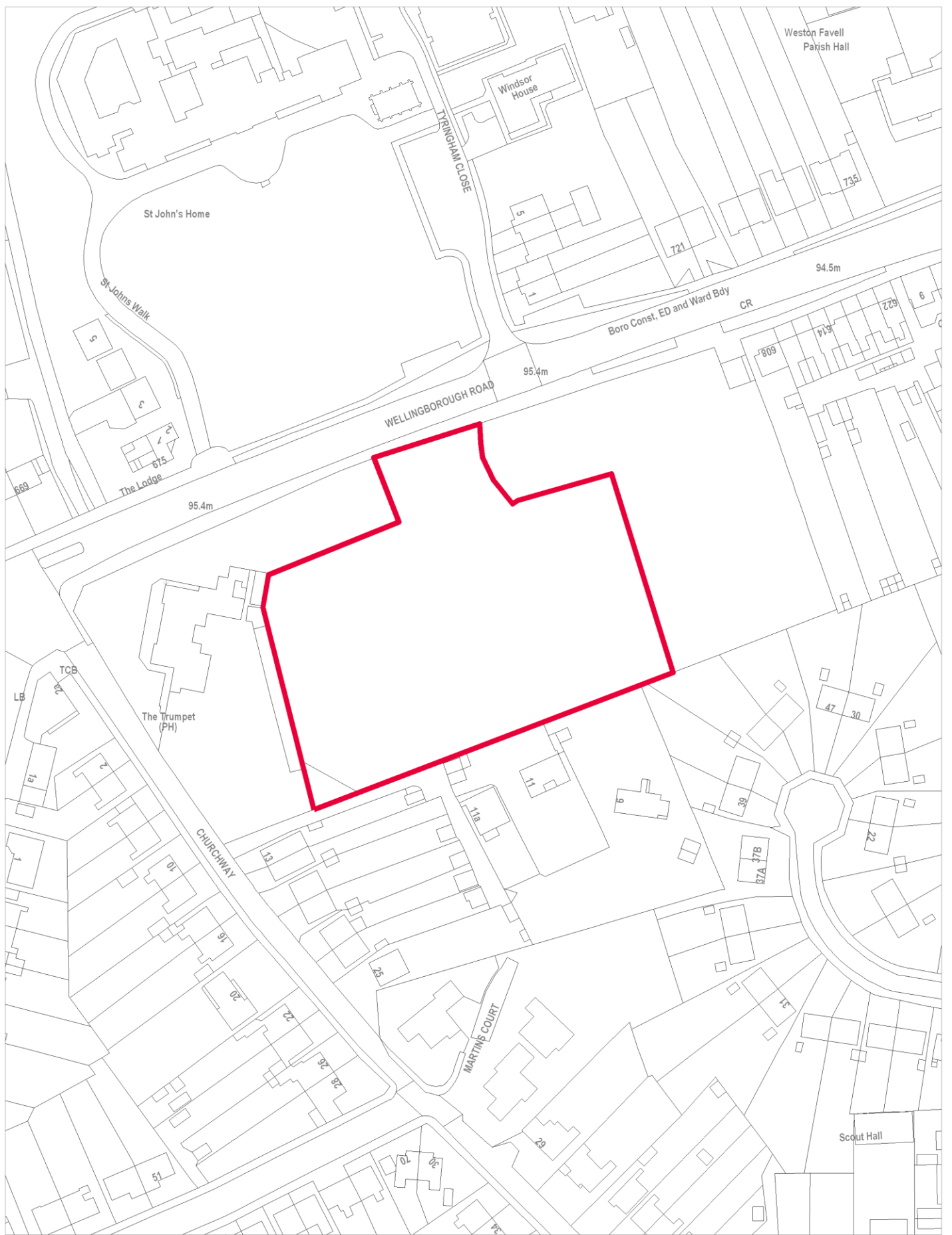
11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	02/06/11
Development Control Manager Agreed:	Gareth Jones	09/06/11



Name: JC
 Date: 10th June 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
582 - 592 Wellingborough Road

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